

INTERNATIONAL SEARCH REPORT

International Application No

PCT/JP 01/02296

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12Q1/68 C12Q1/70 A61K48/00 A01K67/027 C12N15/63
C07K14/47

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EMBL, EPO-Internal, CHEM ABS Data, BIOSIS, MEDLINE, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|--|-------------------------|
| X | 'RONNI ET AL.: "The proximal interferon-stimulated response elements are essential for interferon responsiveness: a promoter analysis of the antiviral MxA gene" JOURNAL OF INTERFERON AND CYTOKINE RESEARCH, vol. 18, no. 9, 1998, pages 773-781, XP002212566 figures 1,3,5 | 1,5, 11-13, 15-17 |
| X | 'CHANG ET AL.: "Molecular and functional analysis of the virus and interferon-inducible human MxA promoter" ARCH VIROL, vol. 117, 1991, pages 1-15, XP002212567 figures 2A,,4 | 2,5, 11-13, 15-17 |

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

18 September 2002

Date of mailing of the international search report

02/10/2002

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Bort, S

INTERNATIONAL SEARCH REPORT

International Application No

PCT/JP 01/02296

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|---|-----------------------|
| X | <p>✓ DATABASE EMBL 'Online! Homo sapiens (subclone H8 4_b9 from P135 H5 C8), 7 September 1994 (1994-09-07) MARTIN ET AL.: "Sequencing of the Mx1 region of the human chromosome 21" Database accession no. L35661 XP002212569 abstract</p> <p>---</p> | 2,5,11, 12,17 |
| X | <p>✓ DATABASE EMBL 'Online! Homo sapiens chromosome 21, P1 clone LBL#8, 4 September 1998 (1998-09-04) KIMMERLY ET AL.: "Sequencing of human chromosome 21" Database accession no. AC005612 XP002212570 abstract</p> <p>---</p> | 2,5,11, 12,17 |
| X | <p>✓ DATABASE EMBL 'Online! M. musculus mRNA for 3'-5' exonuclease, 17 March 1997 (1997-03-17) BASHKIROV ET AL.: Database accession no. X91617 XP002212571 abstract</p> <p>---</p> | 3,11,12, 17 |
| X | <p>✓ DATABASE EMBL 'Online! 4 July 1999 (1999-07-04) IWASHITA ET AL.: "5'-flanking region of R-ras GTPase activating protein" Database accession no. AB021982 XP002212572 abstract</p> <p>---</p> | 4,11,12, 17 |
| A | <p>✓ KIKUCHI ET AL.: "The effect of HLA alleles on response to interferon therapy in patients with chronic hepatitis C" EUROPEAN JOURNAL OF GASTROENTEROLOGY AND HEPATOLOGY, vol. 10, no. 101, October 1998 (1998-10), pages 859-863, XP002212568 abstract</p> <p>---</p> | 6-10,14 |
| A | <p>✓ WO 94 02606 A (US HEALTH) 3 February 1994 (1994-02-03) claim 28</p> <p>---</p> | 6-10,14 |
| A | <p>✓ WO 95 28492 A (LIGAND PHARM INC) 26 October 1995 (1995-10-26) page 14, line 1-20</p> <p>---</p> | 6-10,14 |
| A | <p>✓ WO 90 14593 A (UNIV TEXAS) 29 November 1990 (1990-11-29) claim 24</p> <p>---</p> | 6-10,14 |
| | <p>---</p> <p>-/--</p> | |

INTERNATIONAL SEARCH REPORT

International Application No

PCT/JP 01/02296

| C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT | | |
|--|--|-----------------------|
| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
| T | <p>HIJIKATA ET AL.: "Identification of a single nucleotide polymorphism in the MxA gene promoter (G/T at nt -88) correlated with the response of hepatitis C patients to interferon"</p> <p>INTERVIROLOGY, vol. 43, April 2000 (2000-04), pages 124-127, XP002212856 abstract</p> <p>-----</p> | 1-17 |

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/JP 01/02296

| Patent document cited in search report | | Publication date | Patent family member(s) | Publication date |
|---|---|---------------------|--|--|
| WO 9402606 | A | 03-02-1994 | AU 4778193 A WO 9402606 A1 | 14-02-1994 03-02-1994 |
| WO 9528492 | A | 26-10-1995 | US 5707803 A AU 681025 B2 AU 2287695 A CA 2182561 A1 EP 0755453 A1 JP 9511908 T WO 9528492 A1 AU 2285995 A AU 9713798 A CA 2165057 A1 EP 0722497 A1 JP 9500026 T WO 9528482 A2 | 13-01-1998 14-08-1997 10-11-1995 26-10-1995 29-01-1997 02-12-1997 26-10-1995 10-11-1995 11-02-1999 26-10-1995 24-07-1996 07-01-1997 26-10-1995 |
| WO 9014593 | A | 29-11-1990 | AU 5350190 A WO 9014593 A1 | 18-12-1990 29-11-1990 |

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

To:

SUZUYE & SUZUYE
Attn. Suzuye, Takehiko
7-2 Kasumigaseki 3-chome,
Chiyoda-ku,
Tokyo 100-0013
JAPAN

Date of mailing
(day/month/year)

02/10/2002

Applicant's or agent's file reference

00S1435P

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/JP 01/ 02296

International filing date
(day/month/year)

22/03/2001

Applicant

KABUSHIKI KAISHA TOSHIBA

1. ☐ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within **20 months** from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | |
|--|--|--|
| Applicant's or agent's file reference 00S1435P | FOR FURTHER ACTION <small>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</small> | |
| International application No. PCT/JP 01/02296 | International filing date (day/month/year) 22/03/2001 | (Earliest) Priority Date (day/month/year) 22/03/2000 |
| Applicant KABUSHIKI KAISHA TOSHIBA | | |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 7 sheets.
☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☒ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☒ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/JP 01/02296

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 14
because they relate to subject matter not required to be searched by this Authority, namely:
see FURTHER INFORMATION sheet PCT/ISA/210
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.1

Although claim 14 is directed to a method of treatment of the human/animal body (Article 52(4) EPC), the search has been carried out and based on the alleged effects of the polynucleotide(s).

Continuation of Box I.1

Claims Nos.: 14

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy